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In The

Supreme Court of the United States

ROBERT DOWNS,

Petitioner,

versus

LOS ANGELES UNIFIED SCHOOL DISTRICT,

Respondent.

On Petition For Writ Of Certiorari To The United States Court of Appeals For The Ninth Circuit

PETITIONER'S REPLY BRIEF

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REPLY

1. Respondent's Brief in Opposition Misstates the Record Regarding Displays of Racial Slurs, Nudity and Pornography.

Respondent's Brief in Opposition states that Interview with a Rapper was never displayed in any school. Brief in Opposition, p. 6 (hereinafter "BIO, p. ___"). The record proves otherwise. The Interview with a Rapper display was provided only after the district court compelled Respondent to respond to discovery after what the district court determined was "stonewalling" Petitioner's discovery efforts by falsifying answers to an earlier request for production. In response to the district court's order, Respondent created a "Log Sheet" listing the displays and where the materials were on display. Interview with a Rapper appears as originally produced by Respondent on pages 235-236 of the Petitioner's Excerpts of Record in the Ninth Circuit and is recorded in Respondent's Log Sheet reproduced in full on pages 166 -173 of the Petitioner's Excerpts of Record (hereinafter "ER, p. ____"). Respondent's Log Sheet reveals that the Interview with a Rapper display appeared at Fairfax/Hollywood High School. ER-170. Respondent's Log Sheet even contains a note under the Fairfax/Hollywood designation exclaiming "(Bad)." ER-170. Each and every display cited in Petitioner's Petition is in the record below because each one was provided to Petitioner following the district court's order compelling discovery. All the displays are also recorded in Respondent's Log Sheet. ER-166-173.

Respondent misstates the record by claiming the forum is limited to the activities of Respondent's employees at Leichman High School. BIO, pp. 1-2 n. 1. The Ninth Circuit specifically

noted that, "LAUSD issued 'Memorandum No. 111,' titled 'Gay and Lesbian Awareness Month,' to all schools and offices in the school district. Memorandum No. 111 referred to a May 18, 1992, formal Board of Education resolution designating June of each year as 'a time to focus on gay and lesbian issues.'" *Downs v. Los Angeles Unified School Dist.*, 228 F.3d 1003, 1005 (9th Cir. 2000) (emphasis supplied). The Ninth Circuit additionally held that this "is a case of the government itself speaking, whether the government is characterized as Leichman High, LAUSD, or the school board." *Id.* at 1011 (emphasis supplied). The opinion below is clear. The challenged Policy applies throughout the school district to all people – students, staff, teachers, and outside political advocacy groups. Petitioner's Complaint challenged Respondent's district-wide Policy on its face and as applied. The person charged with the responsibility for interpreting Respondent's Policy, Evangelina Stockwell, testified that Respondent's Policy applies across the board to students, staff, teachers and all others.

Respondent misstates the record by claiming that in both 1997 and 1998 the principals removed Petitioner's materials because Petitioner's materials violated Respondent's Policy. BIO, pp. 2-4. Respondent also misstates the record by stating that, "Petitioner's *offending* materials were ordered removed because the person with that authority, the school Principal, determined that his displays were not consistent with Memorandum 111's mission ...." BIO, p. 7. Principal Olmsted testified that if Petitioner's display had not offended anyone, she would have allowed it to remain. ER-99. Olmsted further testified that she told Petitioner it "was fine to present different viewpoints. Because the purpose of the month or of that period of time was to celebrate diversity and act as an awareness – you know, informational awareness period of time." ER-99. The record reveals that much of Petitioner's display was acceptable to Olmsted and she allowed many of his materials to remain

posted because she "did not feel that all of it was offensive, necessarily." ER-98. Olmsted testified she did not remove the remaining material because "on the face of it, on those materials, the words themselves were not objectionable, I guess, is the best word." ER-98. It was only after Olmsted received an additional complaint that she demanded that Petitioner remove the remaining materials – the same materials she initially did not believe were in violation of Respondent's Policy. ER-98. Principal Marino testified that if Petitioner's display included what a homosexual teacher believed to be a homosexual family, Petitioner's display would be acceptable and would not be removed. ER-105. Respondent's actions were clearly taken as a result of Petitioner's unpopular viewpoint and not as a result of following Respondent's Policy.

Respondent misstates the record by claiming that Petitioner's materials were not taken from Respondent's own materials and major newspapers. BIO, p. 7, n.14 and 8, n.16. The very materials Petitioner states were in his display are at this very moment in the record at the Circuit Court of Appeals for the Ninth Circuit. The newspaper articles are there, along with Petitioner's copy of *Romer v. Evans*, 517 U.S. 620 (1996), copies of articles written by the U.S. Office for Civil Rights, pages from the current handbook of the California Board of Education, and a letter written by Principal Olmsted. Next to Petitioner's box you will find numerous boxes of Respondent's materials displaying racial slurs and pornography, invitations to gay bars, invitations to the "Luvin @ The Park" event announcing "Free dancing, free drinks, free love", advertisements for "Diversions, Looking For A Great Way To Meet New Friends In A Relaxed, Fun Atmosphere, Diversions Is The Answer"and WeHo Lounge: "'Man Hunt' Single? Looking? Cruise and meet hot single gay men . . . Friday, July 16th 8pm-11pm", pornographic books and movies, nudity, and many scripture verses supporting the claim "God approves of Gays and Lesbians." Pursuant to Rule

14.1.(i)(vi), a summary of some of the exhibits in the record in the Ninth Circuit is attached as Appendix A hereto. These materials were specifically "disavowed" by Respondent and Respondent conceded numerous times in the record that these materials were not produced, reviewed, or approved by the Respondent. ER-66. Because Respondent's Policy allows displays to be used by teachers, parents and students throughout the year for social issues even if the material is not approved and/or distributed by Respondent, Respondent regularly disavows much of the material placed in the displays. ER-95-96. Both principals Olmsted and Marino testified that they allow displays for social issues even if the material is not produced or distributed by Respondent. ER-107.

Respondent misstates the record by asserting that Gay and Lesbian Pride Month is related to curriculum in the schools. BIO, pp. 2-3. Respondent states that its displays were in keeping with Respondent's pedagogical interest. BIO, p. 7. Petitioner has never disputed that Respondent may assert its pedagogical interest through the displays. Nor would Petitioner ever seek access to a display if it was reserved only for Respondent's pedagogical interest. Rather, as revealed in Appendix A hereto, the record contains numerous examples of invitations to bars, etc., which cannot possibly be part of Respondent's curriculum. Because the displays were opened to these advertisements and outside political advocacy groups, Petitioner asserts Respondent has not reserved the displays for Respondent's pedagogical interests. Respondent asserts that one of its interests is "to deter name-calling." BIO, p. 14. However, materials which directly contravene Respondent's pedagogical interests were displayed by outside groups labeling heterosexual people as "homophobic," "the enemy," "bigots," "breeders," "child molesters," "neurotic," "threats to human survival," "natzis," "fascists," and "judgmental."

As for actual curriculum, Ms. Hale, who was Director of Respondent's Gay and Lesbian Education Commission, testified that she never developed curriculum related to Respondent's Gay and Lesbian Pride and/or Awareness Month throughout the beginning years when displays were permitted. ER-111. Even after Respondent began sending out such materials, Respondent permitted and even "solicited" students and outside political groups for materials to be posted on Respondent's displays. ER-111-114. None of these materials were "official school communications" which were approved by Respondent. ER-66.

Respondent misstates the record by claiming that materials from outside sources were never displayed. BIO, p. 5 n.7. Respondent conceded on the record that numerous people were permitted to display materials which were never approved and/or distributed by Respondent and that none of these outside materials were "official school district communications" which were approved by Respondent. ER-64-65. Virginia Uribe, Respondent's former Project 10 Director, testified that she had "solicited" both students and outside groups for materials to be posted and, in fact, such materials had been displayed. ER-114. The record also reveals that Respondent's Policy allows full access to the displays from "whoever" may want to display materials on the boards for Gay and Lesbian Pride Month. Virginia Uribe testified that Respondent has "an informal offer to have students and staff and whoever else bring things in from outside and put them up on the displays." ER-114 (emphasis supplied). Both Ms. Laura Hale and Ms. Kathy Gill testified that outside gay and lesbian organizations were solicited to provide materials and, in fact, such materials had been displayed. The viewpoint of these administrators, staff, students, parents, and outside agencies (including gay and lesbian political advocacy groups) were permitted although no curriculum even existed and none of these materials were approved by Respondent. ER-111.

More specifically at Leichman High, Respondent admits that in 1996 and in 1997 Ms. Kathy Obleck, an outside bus driver, was permitted to display materials at Leichman High which were not produced and/or distributed by Respondent. ER-64-66. Others people creating displays at Leichman High were a Physical Education teacher and assistants who have nothing to do with teaching curriculum. As at all other schools, the Leichman High displays included newspaper articles similar to Petitioner's and materials not produced, approved or reviewed by Respondent. ER-64-66.

Respondent misstates the record by claiming that, "[T]here is also no support for Petitioner's contention that those persons who objected to Petitioner's display were only those 'who had created their own display with an opposite viewpoint.'" BIO, p. 8. Respondent admitted under oath by interrogatory responses that the only people who complained about Petitioner's display were those who had created their own display with an opposing viewpoint. ER-66.

Respondent misstates the record by claiming that Project 10 "is a private group to which some teachers belong." BIO, p. 6, n.10. Project 10 is a program of written materials and training seminars used as a framework for training Respondent's teachers and staff on the acceptance of the gay and lesbian viewpoint. Respondent officially adopted Project 10 which was created by Virginia Uribe. ER-113. The Project 10 Handbook lists Is Homosexuality A Sin? as recommended reading and was "used in in-service training for the district. Those people who selected it could ... take a salary point credit, and [the Project 10 Handbook] was distributed at those workshops ...." ER-117. In the alternative, if Respondent is correct is asserting Project 10 is a private group, then Respondent proves Petitioner's case that a private group was permitted access to Respondent's displays.

Based upon Respondent's recreation of the facts, Respondent then presents arguments to distinguish this case "factually" from the prior opinions of this Court. The following summarizes Respondent's error.

2. The Decision Below Conflicts with this Court's Decisions in *Rosenberger, et al., v. Rector and Visitors of the University of Virginia, et al.*, 515 U.S. 819 (1995); *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993); and *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260 (1988).

Although the Ninth Circuit rejected the application of *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260 (1988), in this case (thereby negating the need for viewpoint neutrality or any forum analysis), Respondent argues that *Hazelwood's* analysis applies to *Downs*. Petitioner argued below that if *Hazelwood's* analysis does apply, the Ninth Circuit's opinion is conflicting because viewpoint neutrality was rejected by the district court despite the controlling opinion of the Ninth Circuit in *Planned Parenthood of Southern Nevada, Inc., v. Clark County School Dist.*, 941 F.2d 817 (9th Cir. 1991) (*en banc*); and the Eleventh Circuit's decision in *Searcey v. Harris*, 888 F.2d 1314, 1325 (11th Cir. 1989) (holding that "[w]ithout more explicit direction, we will continue to require school officials to make decisions relating to speech which are viewpoint neutral."). Thus, if *Hazelwood's* analysis applies, even if the forum is closed Respondent may not engage in viewpoint discrimination. The confusion created by the Ninth Circuit in this case is all the more reason for this Court to grant the Petition.

Carrying over from section 2.A. to sections 2.B. and 2.C., Respondent continues arguing the application of *Hazelwood*.

Although the district court held that *Hazelwood* applies to this case, and Respondent argued below for its application in this case, the Ninth Circuit specifically rejected *Hazelwood's* application. Respondent's section 2.B. is merely a restatement of this Court's forum analysis and 2.C. is merely a restatement of the *Hazelwood* analysis. In this case, the forum analysis was entirely rejected by the Ninth Circuit. Respondent creates a nonexistent factual springboard to launch itself from *Hazelwood's* analysis to reach the untenable position that the forum is closed so that alterative viewpoints are "less protected." BIO, p. 12.

In Respondent's view of the facts, no student or outside group ever displayed one piece of material on Respondent's displays. This is simply untrue. *See* Appendix A attached hereto. If *Downs* was correctly decided, then the result is that any government agency may create a policy soliciting outside speech into the forum and then reject any contrary viewpoint because the government's policy states that only one viewpoint is permitted on the subject matter. This policy would be upheld by the courts of our country despite the fact that the government's policy allows outside groups to display their very own words and thoughts on the government's display areas. In *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993), this Court held that when government allows outside people to use its property the government must treat all people equally. In this case, the facts are identical to *Lamb's Chapel* because outside people used the government's property for speech which was specifically disavowed by the government. *See* Appendix A attached hereto.

Respondent overlooks the central point in this case. In *Rosenberger, et al., v. Rector and Visitors of the University of Virginia, et al.*, 515 U.S. 819, 834 (1995), this Court held that regulation of speech is more permissible when the government

is the speaker and the forum has not been opened to outside private persons. Despite Respondent's unwillingness to accept the record below, the record proves that the staff routinely "solicited" materials from students and outside political advocacy groups and acted as a conduit for others to display their message promoting one viewpoint on a subject matter. *See* Appendix A attached hereto. In *Rosenberger*, this Court made clear that, "the University may not discriminate based on the viewpoint of private persons whose speech it facilitates...." *Id.* at 834. Respondent's staff merely facilitated the thoughts, ideas, words, concepts and prejudices of others who are not Respondent's employees or speakers – *i.e.* private persons.

CONCLUSION

FOR THESE REASONS, Petitioner respectfully requests that this Honorable Court grant a Writ of Certiorari to review the decision of the Ninth Circuit Court of Appeals.

Respectfully Submitted,

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APPENDIX A

Summary of Materials Displayed in Los Angeles Schools

1. Exhibit from King Middle School: Invitation to "Diversions, Looking For A Great Way To Meet New Friends In A Relaxed, Fun Atmosphere, Diversions Is The Answer" "Open to men and women of any age, was displayed containing the following in parts of the document: "Open to men and women of any age, skating, bowling, movie?" "We meet at Friday at 8:00 at The Gay and Lesbian Center Village. . . ."; July 2, 1999 Topic: Let's Talk About Sex, Baby"; "July 9, 1999 Topic: Straight Life vs. Gay Life (no contest)"; July 23, 1999 Topic: Bisexuality: Is This the Best Time To Bi?"

2. Exhibit also from King Middle School: Outfest 99 containing photographs of full frontal male nudity and describing pornographic movies. Outfest 99 contains the following words in various parts of the document:"jubilation of sexuality"; "teenage bombshell"; "keeps him on the frontiers of sexual adventure in other people's bedrooms and hallways"; "generous dollops of naughty fun"; "skimpy costumes and thinly-veiled homoerotic themes"; "sexual energy saturates the screen"; "illicit substances fuel artistic juices, sex is always available"; "twisted cemetery scene"; "something to please and/or offend almost everyone: interracial sex, whips and chains, murder, attempted suicide, incest, and a multigenerational homosexual orgy in the boy's bedroom"; "three dykes and a disco bunny who decide it is finally time to tell their parents the truth about their sexuality"; "the thrill of first lust and the possibility of a happy morning after"; "anthropormorphic dolls with complex queer lives"; "lady bloodsucker wears a black latex bodysuit, kills with

bullets, and serves up some sizzling AC/DC sex"; "sixteen-year-old student Beni"; "Beni becomes his hero's lover, and then his plaything", "ran away at the age of twelve. He makes his way to Los Angeles where he transforms himself first into 'Stacy Hollywood', an Arena drag queen diva" "Straight girl experimentation, internet pickups, rough trade,"; "throbbing with sexual energy"; "sex is release freedom and rebellion and he acts out with plenty of anonymous sex and drugs"; "invites you to reminisce with him, man by man, ALL of his past lovers"; "These ladies make it happen through apartment windows, on the set, in the workplace, and all over your face. The sexually explosive musings"; "gay and lesbian youth live"; "full-fledged transsexual"; "elements of nudity and sexual frankness"; "sexy, wealthy boy-magnet"; "a mutated exchange between personal inhibition and fetish, sexuality and religious morality"; "who are required to expose themselves on a regular basis"; "Cocktails and a Whore Behind Door Number Four await you"; "unfulfilled suburban housewife exploring lesbian tendencies"; "her propensity for girl-on-girl action"; "Will this sex monster stop at nothing to appease her newfound desire for dames?"; "homoerotic", "two young and beautiful American boys" ; "omnipresent nakedness"; "Full of sharp edges, bad-ass attitude, and trashy talk, this rapid collection of films and videos will make you squeal with horror and delight"; "mounting blow-up dolls, torturing disco pussy-seekers, or stalking big name porn stars"; "Opening with intense cross-cutting of three very different acts of sex"; "brutal rape" "Sixteen-year-old Murat cruises Berlin's parks, a voyeur to gay sex concealed by trees and shrubs"; "You'll meet a lesbian couple who accessorize their Barbies with nipples and piercings, and give Ken an appendage that will make it much more difficult for him to fit into Barbie's underwear. Intermingled among these diverse stories of men, women

and children"; "bisexual love triangle centered on charismatic porn star"; "You have never seen porno quite like this!"; "sensual mating ritual of two gorgeous aliens" "will be sure to leave you begging for more"; "uninhibited sexual expressions"; "Enticing, explicit visual clips"; "male erotic entertainment with heart as well as hard-ons"; "designed to offend, enrage and push erotic buttons you would like to deny you have."; "steal, bash, and fuck throughout the city"; "decide to visit a faggot"; "new breed of pornography that employs a variety of devices alternative to explicit boning"; "hot sex create a culpability in the viewer which ripens them for arousal. A kick-ass soundtrack"; "GRAPHIC IN YOUR FACE SEX"; "Your hosts are "O" Boys, a safe-sex education and experience organization that has been hosting private orgies for the hottest men in Los Angeles since 1990. Combining 'in your face' activism, safe sex education, and group sex theme parties"; "their mission to promote the pleasures of guilt-free and fun, safe sex. The results blend sex and politics as Gassman gives us a peek at actual 'O' Boy orgies and events as well as insight into the organization's political views"; "(Student/Senior/Low Income $25)."

3. Invitation to WeHo Lounge: "'Man Hunt' Single? Looking? Cruise and meet hot single gay men . . . Friday, July 16th 8pm-11pm"; "'Man Hunt' Single and Looking? WeHo Lounge and West Hollywood Cares . . . Invite you to. . . Meet and cruise hot single gay men . . . place your own personal ad and meet new friends and dates . . . Friday, July 16th 8pm-11pm . . . The first 20 men to place an ad will receive a free t-shirt from the motion picture Trick [which is described in Outfest 99 as: "Things perk up when he encounters Mark (John Paul Pitoc), a hot go-go dancer at a local bar whose sultry gaze toward Gabriel turns out to be more than a bid for tips. Only one problem remains for the

impromptu two: Where to go? As the crowded Village seethes with nightlife, the two guys repeatedly try and fail to find a place where they can be alone and take care of business. Interrupted by roommates, strangers, friends in need, past tricks and most hilariously by Gabriel's stagestruck, fag-hag friend and showtune-singing colleague Katherine (an outrageous Tori Spelling), the two struggle to keep their libidos idling while, almost by accident, they also get to know each other better than they had planned."] ; "Gay Men's Chat Group . . . Tuesdays 6:30pm-8pm . . . A time to kick back relax, bitch, moan, laugh talk and gossip about . . . ."; "Youth Group 'Plain Rap' . . . Friday and Saturday . . . 10 PM to Midnight"; "Gay & Lesbian Buddhist Group . . . Friday, July 23rd 7:30 to 9 PM." Come And Be Yourself In A Positive Atmosphere was displayed containing nudity and the following: "HIV+MENS Monthly Dance Party . . . for more info call Positive Reaction"; "all are welcome h.i.v. + or not."

4. Exhibit from Fairfax/Hollywood High School: A document describing an Interview with a Rapper was displayed containing the following words in parts of the document: "'What kind of advice would you give to young brothers and sisters and artists who are struggling with their personal lives?' . . . 'There are a lotta people out there who will judge you on the merits of what you do in your bed, but fucking a girl do not make you a man. . . Though I have not told half of the shit . . . . the jig is up and those closet doors are gonna get kicked open.' . . . Let's not forget that he also revealed the drug usage as a way to forget the fact that only a man can satisfy another man and the fact that the 'secret fraternity' is larger than we all think. . . Lesbians and homosexuals are everywhere, so why not in hip hop? . . . Even when a nigga gets put on . . . . You see by fuckin a nigga in his ass and letting him suck your joint, thus turning

him out... . Niggas get hooked on that ass which now makes them bonafied (pardon my bone joke) homosexuals. Even with all the money and the ladies a nigga still craves another niggas ass!! . . . Then there is the 'born gay' hip hop niggas. They do not need to be bribed, they were just born to love it. . . but honey don't believe the hype cause niggas are trickin for niggas in the gay community and with his jeans hingin on his ass, timbos and all the sized gear is called a banji boy (B-Boy). . . . B-boy niggas represent to the fullest. You would never know they were gay 'cause they are always talkin bout knockin niggas out, fuckin women, gettin high and making money. . . . 'No Wendy, he fucked my friend last weekend!'... Shout out to everyone who hates me (even calling me a lesbian) for attempting to educate the masses to the gay thing - FUCK YOU. ... . to all my true fans that listen to me (Mon-Fri, 2p-6p) on HOT 97/WQHT New York and shout out to all the people on my website (www.gowendy.com).'"". . . fuckin jokes . . . from all the dick that she is sucked . . . . 'Cause I learned the hard way that niggas do not think that I can be hard and true to my craft if I am putting a dick in my mouth. Yo, I am just as well as any motherfucker out there. . . . My shit is as real as it can be. . . . but nobody is really listening to what the fuck is going on'. . . . I am remembering the time I was playing my junior high school buddy, Terrance, and we began experiencing things with each other that I'd rather not talk about now. . . . So back to his mate: 'Are you still together?' 'Yeah, me and my boy are living happily ever after and all that shit. . . . He comes with me to the studio when I am working on my album or when I am producing someone else's shit. It is the best shit. He holds me and takes care of me when I'm sick and rubs my back when I've had a rough day and shit. . . .' 'What kind of man turns you on?' . . . . 'I need a ruff-neck brother to satisfy me.' I can not help but smile to myself. He returns the smile. . . my heart skips a

few beats and I try to imagine what his mate looks like. . . . Just because he has sex with other men instead of women does not mean that he does not carry a 9 and is not well versed in its use. . . .Mess around or gay?"

5. Exhibit also from Fairfax/Hollywood High School: An invitation to: "Luvin @ The Park" event, "Free dancing, free drinks, free love."

6. Exhibit also from Fairfax/Hollywood High School: Venus Magazine, "Rev. Zach! Man on a Mission": "God loves you just as you are -- gay or straight -- is the aim of Unity Fellowship. . . . a church where black gays and lesbians go on Sundays to reaffirm their faith in a God who loves them as they are . . . Unity believers and followers of Unity Fellowship believe that God's love is unconditional, unearned, and available for all."

7. Exhibit also from Fairfax/Hollywood High School: Passages of Pride True Stories of Lesbian and Gay Teenagers: "Throughout his childhood, from age five on, Derek would sneak off with a friend into someone's basement or the woods along the back alley where they would take off their pants and play with each other, usually fondling each other's genitals (p4). . . . little bum-fuck town . . . . In the summer of his fifteenth year, Dan found a newspaper advertisement for a fantasy telephone service. Dan was soon hooked. He rang up dozens of long-distance phone calls, masturbating while he listened to erotic two-minute recordings or talking anonymously to men from all across the country (p32). Dan continued the liaisons with Tom throughout the summer and into the following school year, having sex usually masturbation and oral sex with Tom in his van or apartment. Dan would leave his room just before midnight and return by dawn; his parents never knew he was gone (p34). Late

one night, Troy sneaked into Michael's basement bedroom while his parents and sister slept upstairs. For hours, they lay together in Michael's bed, hugging, kissing, and touching each other. Usually, it was the park or Michael's car where they would make out, masturbating each other and having oral sex (p54).

8. Exhibit also from Fairfax/Hollywood High School: Straight Answers About Homosexuality for Straight Readers: ". . . . provides explicit descriptions of what gays do in bed . . . . he also reveals the seamier side of gay reality with scenarios of S&M games, thumbnail biographies of gay hustlers, . . ."

9. Exhibit from Hamilton High School: A document titled Abraham Lincoln's Love for Joshua Fry Speed: "Abraham Lincoln's Love for Joshua Fry Speed," "Lincoln had a four-year love affair with his boyfriend Joshua Speed and other times in his life had occasional male-to-male liaisons."

10. Exhibits from Sun Valley Middle School: Four documents titled The Lesbian News were displayed containing photographs of nude persons and sexually explicit language. As an illustrative example, one of the documents titled The Lesbian News contains the following in parts of the document: full nudity; partial nudity; women embracing women; "Lesbo-Expo" pool party and Valentine Dance; "Claudette Sexy D"; "DeDe's Does the Desert"; "5000 women dance party"; "In the last days, says God, I will pour out my Spirit upon ALL flesh, your sons and daughters shall prophecy, both men and women"; "Calvary Open Door Tabernacle"; "Metropolitan Community Church"; "Jewish Congregation Reformed"; "Outreach to Catholic Lesbians"; "Lesbian Kiss"; Lesbiantalk meetings; "Birth of the Modern Movement for Homosexual Rights"; "Lesbian Sex Professional"; "small pert breasts"; "shaved snatch"; "she

changes positions slowly arching her back"; "you must already have a boyfriend, actually I have something much better"; "I have a girlfriend" "began doing phone sex three years ago"; "It didn't matter a damn what she looked like. She could have been the Hunchback of Notre Dame and I wouldn't have cared we could have swung from the bells together"; "Gay and Lesbian Youth Talkline for lesbians and gays between ages of 13 and 23"; "explore your bisexuality"; "Dykes to Watch Out For" cartoon with woman lifting another woman's shirt and kissing her chest, then removing her own shirt and removing the other's shirt, then caught in an embrace wearing only bras; posters showing woman holding bare chested woman, another with hands on another woman's breasts, women kissing, order form; "Lesbian date line"; "Simply Sensual elegant erotica for women vibrators massage oils"; "dyke strippers for gay and bisexual women"; lesbian phone personals; "Christ Chapel of the Valley"; "Metropolitan Community Church"; "Erotique, sexual positions that make the Kama Sutra looks like child's play"; "the camera lovingly lingers on fuli female nudity"; "erotic, frightening and satisfying"; "sensuous romp"; "female fantasies"; "great sex"; "refreshingly dirty"; personals; "West Hollywood Presbyterian Church, Rev Jenenne R. Macklin", free Lesbian mail order book and video catalog; "Lesbo Bingo"; "Hot Chicks for LA"; woman with finger on the nipple of a naked woman, "the ultimate lesbian fantasy"; "she scans the crowd and imagines herself making love"; "an all-girl lesbian erotic escape", order form, vodka ad.

11. Exhibit titled Blade containing the following sexually explicit language: "Adult Boutique, come in and see our complete line of instructional videos, lubricants"; "Boy Bar"; "Club 5211 Non stop party bar"; "The hottest go-go boys, a hot night for men!!"; "High-sexual temperature, 16-

man jacuzzi, nude sunbathing, The Private hotel for men"; "What many Greek men of the upperclass loved most . . . were boys in their late teens, just past puberty. Many were the odes written to 16-year-old youths. Many vase paintings illustrate homosexual relations, depicting either anal penetration or inter-femoral connection. . . . Fellatio represented the basest of vices; cunnilingus ran a close second. . . the Israelites transformed sex into a sin and homosexuality into a danger to the state"; "Europeans expected the most daring masculine men to have sex with both women and adolescent males. At the time, it was expected that notorious rakes would have both mistresses and boys available. Thereafter, a man's masculinity was suspect if he passively accepted anal intercourse. . . . Anal intercourse and fellatio were quite permissible, so long as these was no ejaculation . . . and cunnilingus was actively approved. . . . The Mayans recognized adolescent homosexuality, even providing slave boys to meet young men's needs . . . . chiefs kept transvestite men for sexual purposes. . . . Xochipilt, who was the patron of male homosexuality and male prostitution . . . it was common practice to give boys to the temples, where they were raised as girls; chiefs and headmen had ritual intercourse with them on special holidays. . . . Many of the gods of Native Americans were bisexual . . . But all this ran counter to missionaries' straight-laced ideas about sexual relations . . . . free-floating sexuality . . . . the battle against religious and societal disapproval of the gay lifestyle is nearly as old as history itself." "Leather cruise bar"; "Classic beer bust"; "Boom Boom Room"; "Hot Go Go Boys"; "Hotter than ever, L.A.'s hottest, love lounge"; "Seduction, Love and War"; "Parents and Friends of Lesbians and Gays"; "Have a Date with 80 Women . . . all in one night"; "Lesbian Dining Club"; "Develop your intimacy potential"; "Explore your sexuality"; "Nude sunbathing";". . .opened my Bible

and started reading from I Corinthians 13, Paul's chapter on love. I stood up there and read, I got called a 'cocksucking faggot' by some people and others were screaming 'you fucking faggot'"; "Yes! God Loves & Accepts Gays & Lesbians!"; "Make a spiritual connection, not all churches that use the name 'Calvary' are homophobic . . .No judgement and condemnation"; "Live a life of prayer & service. Follow Jesus the whole way"; "Nudist men book out"; "Free room and board and walking around money for companionship."

12. Exhibit from LeConte Middle School: A document titled SHARING from Parents FLAG - Mill Valley, Calif. was displayed containing references to God's viewpoint on gay and lesbian issues and the following in parts of the document: "I became dependent upon the Clergy. When the Clergy condemns a homosexual . . . . Had I allowed myself to investigate what I now see as Bible bigotry and diabolical dehumanizing slander. . . . God did not heal or cure Bobby as he, our family and Clergy believed he should. It is obvious to us why he did not. God has never been encumbered by his child's genetically-determined sexual orientation."

13. Exhibit from Franklin High School: A document titled Family Pride was displayed containing scripture references from the Bible and the following: "The love affair of this Biblical hero, poet, and king and his lover Jonathan, son of Saul, is celebrated in many of the Psalms he wrote. Denied and ignored for centuries by Christians and Jews alike, the intensity of their gay love still shines out: 'My brother Jonathan, thy love to me was wonderful, passing the love of women.' (2 Samuel 1:20)."

14. Exhibit from Hamilton High School: A document titled What Did They Say About Gays was displayed containing references to positive religious viewpoints on gay and lesbian issues as told from various religions including: Buddhism, Martin Luther, Sermon for Indian Converts of Peru, Pope Gregory III, The Koran, The Book of Mormon, Christian Science, Billy Graham, Unitarian, Souther Baptists, Greek Orthodox, Jimmy Swaggert, Jerry Falwell, Jehovah's Witnesses, and Pope John Paul II.

15. Exhibit from Polytechnic High School: A document titled Project 10 Is Here was displayed containing scripture references from the Bible and the following in parts of the document: "The truth shall make you free. John 8:32."

16. Exhibit 445: Speakers approved by the Gay and Lesbian Commission which include: Rev. Nancy Wilson, "a pastor at the Metropolitan Community Church, expert on the issues of self-esteem and spirituality," from "a Christian Church that accepts everyone, including gays and lesbians."

17. A document titled It Matters was displayed containing references to God's viewpoint on gay and lesbian issues stating the following in parts of the document: "My God asked me Do you love yourself? I said Does it matter? He said YES, I said How can I love myself? I am gay. He said That is the way I made you. Nothing will ever matter again."

18. A document titled Is Homosexuality A Sin? was displayed containing references to God's viewpoint on gay and lesbian issues stating the following in parts of the document: "In your opinion, does God regard homosexuality as a sin?"; "In your opinion, do the Scriptures object to homosexuality?"; "God does not regard homosexuality as a sin";"God approves of gays and lesbians . . . ." Is

Homosexuality A Sin? is recommended in the Los Angeles Unified School District's Project 10 handbook as a resource for religious viewpoints on gay and lesbian issues. The Project 10 handbook was created by current and former employees of the Los Angeles Unified School District. The Project 10 handbook is used as a resource for training school administrators, staff and teachers about religious viewpoints on gay and lesbian issues. The policy and practice of the Los Angeles Unified School District is to use the Project 10 handbook to train employees of the Los Angeles Unified School District that God approves of gays and lesbians.

19. A document titled Venus Magazine was displayed stating, "Rev. Zach! Man on a Mission": "God loves you just as you are -- gay or straight -- is the aim of Unity Fellowship. . . . a church where black gays and lesbians go on Sundays to reaffirm their faith in a God who loves them as they are . . . Unity believers and followers of Unity Fellowship believe that God's love is unconditional, unearned, and available for all."

20. Exhibits from Carver Middle School: A list of "Recommended Books for Parents, Family and Friends" was displayed including: "Is The Homosexual My Neighbor? A Positive Christian Approach. A list of "Books About Homosexuality and Coming Out for Young People": Twice Blessed On Being Lesbian Gay and Jewish, Things They Never Told You in Sunday School A Primer for the Christian Homosexual, One Teenager in Ten Writings by Gay and Lesbian Youth."

21. Exhibits from Roosevelt High School: "When rights are not acknowledged they must be fought for and won." And an invitation to "'March With Us' in the Christopher Street

West Gay Pride Parade, 'look for the school bus, support AB 222' and "At the present, there is the need to address the importance on adding a different component which will complement the original advocacy role and will help to bring more people on board."

22. Exhibit from Olive Vista Middle School: Invitation to a screening of the film, "'Out of the Past,' equality for homosexual citizens, homosexual citizens demand their civil rights."

23. Exhibit from Bancroff Middle School: Brochures and membership application form for the Black Gay and Lesbian Leadership Forum, to assist with the nation wide visibility and recruitment of new members, we eradicate all forms of homophobia, national advocacy, increased visibility in media and Education, gather to advance our common goals and objectives; a spirituality tract.

24. Exhibit 628: Flyers with from UTLA's Gay and Lesbian Issues Committee's Advocacy and Information Line.

25. Exhibit 641: Alert from LAUSD's Gay and Lesbian Commission for All APSCS and Head Counselors regarding a conference by Lambda Advocacy Council and United Way, knowledgeable people to speak on various issues including religion, research on sexual desire, bisexuality, Drag 101 (It's wild, its fun, and it still shocks some), Religion-Redemption-Rejection (representatives from several churches will discuss religious perspectives on homosexuality.)

26. Exhibit 647 from Sun Valley Middle School: A poster with the following: "Campaign for Military Service: I want you! to end the military ban."

27. Exhibit 687: Avenues of Activism for Parents and/or Social Workers: Writing congress to protest anti-gay legislation, confront homophobia in your . . . and in church, participate in and/or organize demonstrations and protests against institutional homophobia, be a guest speaker whenever and wherever possible. Programs that fail to educate parents are venerable to vicious and often crippling attacks by well meaning fearful, misinformed and misguided persons. When parents are left uneducated, they are more vulnerable to zealous right wing fundamentalists [who] spread misinformation, myths, lies, and prejudice while cultivating fear and hatred. They can prey upon these fears and hatred, to galvanize people into action against homosexuals in the name of religion and/or protection of children. Educational information can be presented through . . . sermons. Become involved (facilitate) community advocacy movements and activities aimed at creating building and/or support resources and services for lesbian youths. Develop and/or support community based grass roots movements aimed at establishing policies and laws that do not oppress the teenage lesbian population through political and social action. Homosexuality is a social role that is representative of sexual, physical, emotional, spiritual, . . . connectiveness between members of the same sex.